

AO 91 (Rev. 11/11) Criminal Complaint

AUSA: Susan Fairchild
Officer: ☒ Lawrence BallardTelephone: (313) 226-9577
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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Florencio GUTIERREZ LUGO,
a/k/a Lancho GUTIERREZ,
a/k/a Orlando VILLEDA GUTIERREZ,

Case: 2:24-mj-30029

Assigned To : Unassigned
Case No. Assign. Date : 1/25/2024

CMP: USA v GUTIERREZ LUGO (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 24, 2024 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 8, United States Code, Section 1326(a), (b)(1)	Unlawful Re-Entry Following Removal

This criminal complaint is based on these facts:

On or about January 24, 2024, in the Eastern District of Michigan, Southern Division, Florencio GUTIERREZ LUGO, a citizen and national of Mexico, who had previously been convicted of a felony offense, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about June 29, 2012, and not having received the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), (b)(1).

☒ Continued on the attached sheet.

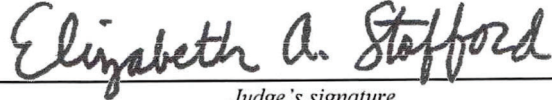
Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: January 25, 2024

City and state: Detroit, MI


Complainant's signature

Lawrence Ballard, Deportation Officer
Printed name and title


Judge's signature

Elizabeth A. Stafford, U.S. Magistrate Judge
Printed name and title

Affidavit

I, Lawrence C. Ballard, being duly sworn, do hereby state:

1. I am a Deportation Officer with the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), currently assigned to Enforcement and Removal Operations (ERO). In my capacity as a Deportation Officer, I have reviewed the official Immigration file and system automated data relating to Florencio GUTIERREZ LUGO, which reveals the following:
2. GUTIERREZ LUGO is a forty-two-year-old male, native and citizen of Mexico, who last entered the United States at an unknown place on an unknown date without being admitted, inspected or paroled by an Immigration Officer.
3. On March 10, 2002, the St. Peters Police Department, St. Peters, Missouri arrested GUTIERREZ LUGO under the alias name of Orlando VILLEDA GUTIERREZ (Date of Birth 10/XX/1980) for the misdemeanor offense of stealing; unknown disposition.
4. On March 19, 2002, the U.S. Immigration and Naturalization Service apprehended GUTIERREZ LUGO at or near St. Peters, Missouri and served him with a Stipulated Removal Order. On March 19, 2002, an Immigration Judge in Missouri ordered GUTIERREZ LUGO removed from the United States to Mexico. GUTIERREZ LUGO was removed to Mexico, on March 22, 2002, at El Paso, Texas.
5. On August 19, 2007, the Louisville Kentucky Metro Police Department arrested GUTIERREZ LUGO under the alias name of Lancho GUTIERREZ for the offense of Alcohol Intoxication in a Public Place (1st & 2nd Offense); unknown disposition.
6. On March 21, 2012, U.S. Border Patrol apprehended Florencio GUTIERREZ LUGO at or near Progreso, Texas and served him with Form I-871, Notice of Intent/Decision to Reinstate Prior Order.
7. On March 22, 2012, the U.S. District Court for the Southern District of Texas, McAllen Division, convicted GUTIERREZ LUGO for the offense of Illegal Entry in violation of Title 8, U.S.C. §1325(a)(1) and sentenced him to

15 days' imprisonment.

8. On June 25, 2012, the Porter County Circuit Court, Porter County Indiana charged GUTIERREZ LUGO with Sexual Misconduct with a Minor, Sexual Battery and Public Intoxication. GUTIERREZ LUGO pleaded guilty to the offense of Sexual Misconduct with a Minor, a Class D Felony and Public Intoxication, a Class B misdemeanor. He was sentenced to time served. He was then turned over to Immigration authorities.
9. On June 29, 2012, GUTIERREZ LUGO was removed from the United States to Mexico.
10. On June 12, 2023, the Defiance Municipal Court, Defiance, Ohio, convicted GUTIERREZ LUGO under the alias name of Lencho GIUTIERREZ (11/XX/1985) for the offense of Operating Vehicle Intoxicated.
11. On January 24, 2024, ICE Officers traveled to GUTIERREZ LUGO's last known residence in Pontiac, MI. GUTIERREZ LUGO was observed leaving the house in a silver van. The Officers conducted a traffic stop. During a field interview, GUTIERREZ LUGO advised the Officers that there was another person in the rear of the van. As the Officers searched the van, GUTIERREZ LUGO fled the scene on foot. After a foot chase, GUTIERREZ LUGO was apprehended by ICE ERO in Pontiac, Michigan and transported to the Detroit Field Office for processing. His prior order of removal was reinstated.
12. GUTIERREZ LUGO's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that GUTIERREZ LUGO is a citizen of Mexico with the foregoing immigration history who has been previously removed from the United States. The records checks did not provide any evidence that GUTIERREZ LUGO legally entered the United States or had been issued any document or status that would allow him to enter or reman in the United States.
13. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien

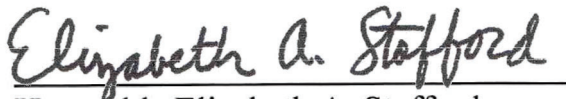
present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.

14. On January 24, 2024, records from Alien File (A# XXX XXX 060) for GUTIERREZ LUGO and queries in Department of Homeland Security databases were reviewed and revealed that no record exists of GUTIERREZ LUGO obtaining the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States following his removal on June 29, 2012.
15. Therefore, there is probable cause to believe that Florencio GUTIERREZ LUGO is an alien, who was previously convicted of a felony offense, and who unlawfully reentered or was found in the United States after removal without the express permission from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States in violation of Title 8, United States Code, Section 1326(a), (b)(1).



Lawrence Ballard
Deportation Officer
Immigration & Customs Enforcement

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable Elizabeth A. Stafford
United States Magistrate Judge